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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/736,274

12/15/2003

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09/10/2007

EXAMINER

LIN, JASON K

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/736,274	NGUYEN, LIEM QUANG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jason K. Lin	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/15/2003</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This office action is responsive to application No. 10/736,274 filed on 12/15/2003.

**Claims 1-16** are pending and have been examined.

#### *Information Disclosure Statement*

2. The information disclosure statement (IDS) filed on 12/15/2003 is considered.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-4, 8, and 10-13** are rejected under 35 U.S.C. 102(e) as being anticipated by Chelehmal et al. (US 2002/0046406).

Consider **claim 1**, Chelehmal teaches a system for distributing data (Fig.2) comprising:

a) a database for storing and cataloging data representing pre-recorded movies (content servers 60-64 – Fig.2; Paragraph 0023 teaches databases of movies stored on content servers);

b) a billing system connected to said database for selectively providing and controlling access to said data (Paragraph 0017, 0019-0020, teaches billing

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for requests on demand by using the standard billing processes in place for the pay per view system);

c) a user interface including means for requesting said data (Paragraph 0033 teaches sending listings of movies from content servers 60-64 – Fig.2 to the subscriber.. Paragraph 0037 teaches the subscriber choosing content from the listing using an input device 52 – Fig.2) and means for viewing said data (TV/monitor 54 – Fig.2); and

d) a transmission network connected between said user interface and said database for selectively transmitting said data therebetween (Paragraph 0017 teaches a cable network 40 – Fig.2, and paragraph 0023 teaches an IP network 66 – Fig. 2, both networks connected in between user interface and database) wherein upon said billing system providing access to a user (Paragraph 0017, 0019-0020 teaches billing process used, same as pay per view system), said requesting means generates a data request (Paragraph 0037 teaches the subscriber requesting content, where the request is sent through the network) for retrieving said data from said database for transmission of said data via said transmission network for viewing by said viewing means (Paragraph 0025-0027 teaches retrieving the requested video and sending it to the subscriber through the network).

Consider **claim 2**, Chelehmal teaches said database comprises:

- a) a first processor (Paragraph 0023 teaches content servers 60-64 – Fig.2 containing databases of movies. Servers providing video content are computers and inherently contain at least one processor); and
- b) a first communication device connected to said first processor, said first communication device includes a first transmitter and first receiver, wherein said first processor causes said communication device to selectively receive and transmit said data over said transmission network (Paragraph 0025 and 0037 teaches content servers can receive requests and transmit data over the network. *Content server inherently has a transmitter and receiver in order to be able to receive and transmit data over the network*)

Consider **claim 3**, Chelehmal teaches said transmission network comprises:

- a) a second processor (Paragraph 0020, 0025-0027 teaches sending receiving, and identifying requested data. *It is inherent that at least one processor was necessary in order to handle/control the respective functions*); and
- b) a second communication device connected to said second processor, said second communication device includes a second transmitter and second receiver wherein said second processor causes said second communication device to selectively receive said data from and transmit said data to each of said database and said user interface (Paragraph 0020 teaches sending and

receiving data from the client. Paragraph 0025-0027 teaches the headend receiving data from the content provider and transmitting that data to the client. *Headend inherently has a transmitter and receiver in order to be able to receive and transmit data over the network to respective database and user).*

Consider **claim 4**, Chelehmal teaches said user interface comprises:

- a) a third processor (Paragraph 0017 teaches set top box is a microprocessor based system); and
- b) a third communication device connected to said third processor, said third communication device includes a third transmitter and third receiver, wherein said third processor causes said request from said requesting means to be selectively transmitted by said third processor for receipt by said second receiver and said third receiver receives said data from said second transmitter for display by said display means (Paragraph 0033 and 0037 teaches generated requests from the set top box are sent to the network. Paragraph 0017 and 00327 teaches the set top box receiving data over the network. *Set top box inherently has a transmitter and receiver in order to be able to receive and transmit data over the network).*

Consider **claim 8**, Chelehmal teaches said transmission network is at least one of a cable television system (Paragraph 0017), a satellite transmission system, a telephone network, and a fiber optic cable network.

Consider **claim 10**, Chelehmal teaches said viewing means is at least one of a computer monitor and a television (TV/monitor 14 – Fig.1; Paragraph 0017).

Consider **claim 11**, Chelehmal teaches said user interface further comprises a remote control unit (input device 52 – Fig.2) for selectively causing said requesting means to generate said request (Paragraph 0033, 0037).

Consider **claim 12**, Chelehmal teaches said billing system allows a user to gain access to said data using means for making a payment (Paragraph 0019-20).

Consider **claim 13**, Chelehmal teaches said payment making means includes at least one of a credit card payment, subscription fee payment (Paragraph 0019-0020), a debit payment, and a monthly statement requiring payment by a predetermined date.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 5-7, and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chelehmal et al. (US 2002/0046406) in view of Yurt et al. (US 5,253,275).

Consider **claim 5**, Chelehmal does not explicitly teaches a database (content servers 60-64 – Fig.2; Paragraph 0023 teaches databases of movies stored on content servers), but does not teach further comprises means for inputting data for storage in said database.

In an analogous art Yurt teaches, means for inputting data for storage in a database (Conversion means 113 Fig. 2a; Col 6: line 58 – Col 7: line 21 teaches input means that convert input data into appropriate format for storage in compressed data library 118).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Chelehmal's system to include means for inputting data for storage in a database, as taught by Yurt, for the advantage of providing new data originating from multiple formats into one common format to the server, providing newer available selections, better satisfying the viewing needs of various viewers.



Consider **claim 6**, Chelehmal and Yurt teaches said inputting means includes at least one of a DVD player, a MPEG player, a video cassette recorder (Yurt - Col 6: line 58 – Col 7: line 21 teaches conversion means. Col 6: lines 13-25 teaches different types of media formats compatible with the digital and analog inputs of the conversion system, namely 113. The different media formats comprises, video tapes, laser disks, optical disks, etc. *Therefore, the conversion system 113 contains respective devices to process the various media formats input into the system*), an internet connection, and an 8 MM tape player.

Consider **claim 7**, Chelehmal and Yurt teaches said viewing means is a television screen (Chelehmal - TV/monitor 14 – Fig.1; Paragraph 0017).

Consider **claim 9**, Chelehmal and Yurt teaches said request generated by said requesting means is compared by said first processor to said catalogue of said data stored in said database, and upon said first processor finding said data equal to said request, said first processor causes said first transmitter to transmit said data via said transmission network for receipt by said user interface (Chelehmal - Paragraph 0023 teaches databases of movies stored on content servers. Paragraph 0025 teaches receiving a request from the user for the data and providing the user with the requested content. *It is inherent that the database of content must be searched from in order to provide the user with their requested content*).

7. **Claims 14-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chelehmal et al. (US 2002/0046406) in view of KINEMA (<http://www.kinema.uwaterloo.ca/ghy-941.htm>).

Consider **claim 14**, Chelehmal teaches said data represents movies (paragraph 0017), but does not explicitly teach movies filmed and produced in Asia.

In an analogous art KINEMA teaches, movies filmed and produced in Asia (P. 2: lines 4-6, 22-28, 34-40; P. 3: lines 25-45; P. 4: lines 12-19; P. 5: lines 1-14).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Chelehmal to include movies filmed and produced in Asia, as taught by KINEMA, for the advantage of catering to a largely growing Asian population and also to Asian film fans, narrowing the cultural divide of motion pictures and further satisfying the viewing needs of a larger population.

Consider **claim 15**, Chelehmal and KINEMA teach said data represents movies filmed and produced by Asian production companies (KINEMA - P. 2: lines 4-6, 22-28, 34-40; P. 3: lines 25-45; P. 4: lines 12-19; P. 5: lines 1-14).

Consider **claim 16**, Chelehmal and KINEMA teach said data further includes at least one of full length motion pictures (KINEMA - P. 2: lines 4-6, 22-

28, 34-40; P. 3: lines 25-45; P. 4: lines 12-19; P. 5: lines 1-14) and mini-series programs having a predetermined number of parts associated therewith.

### **Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason K. Lin whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Lin

08/29/2007

  
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